

**BARBERING AND COSMETOLOGY EXAMINING BOARD  
MINUTES  
DECEMBER 6, 2004**

**PRESENT:** Leon Lauer, Mary Blake, Jeannine Bush, Janice Boeck, Jeffrey Patterson, and E. Rod Gottfredsen

**EXCUSED:** Lee Martinez

**STAFF PRESENT:** Jerry Lowrie, Bureau Director; Dennis Schuh, Legal Counsel; Pat Schenck, Program Assistant; Darwin Tichenor, Exam Specialist; and Division of Enforcement Staff

**GUESTS:** Lorraine Botelho, Lorraine's Salon; Avita Regan, Aviderm, LLC; Bob Brindley, Brindley & Assoc; Sally Balaam, Laidies & Gents; Leslie Brand, Bar/Cos Managers Class; Towanda Harrington, MATC Managers Course; Karen Kraus, MATC; Mary Kardoskee, Carolyn's, Green Bay; Mary Kiley, NCAWI; Nicole C. Childress, LaMonte' Johnson, Andre' D. Purdy, Elizabeth Franklin, Janine Hawthorne, MATC; Corey Kresnich, Courtney VanLare, Katie Moser, WCTC; Cheryle Rebholz, Faces II Esthetic Salon, Mequon; Jan Studesville, Just Nails; Mary Ganser, Mequon-Thiensville School of Esthetics; Michelle Mueller, Marija Mack, Sam Mueller, Melanie Hansen, Natalie Dean, Heather Schoon, Cheryl Lunowa, Melvin Chatmon, Lauri Thomas, Alexander Thomas School of Esthetics; Kathy Jendersen, Janine Brown, Annie Mier, Allison Chamberlain, Courtney Brutach, Hannah Claude, Kim Ann Peterson, Mequon Thiensville School of Esthetics; Holly Lovik, Amy Poshepny, WCTC Instructor; Rachael Steidl, Rachelle Briana, Holly Aushire, Heather Koch, WCTC; and Maribeth Brachmann, Vanessa Schwengel, Mequon-Thiensville School of Esthetics.

**CALL TO ORDER**

Leon Lauer, Chair, called the meeting to order at 9:32 a.m. A quorum of six members was present.

Mr. Lauer welcomed students and others in attendance at the meeting.

**AGENDA**

**MOTION:** Mary Blake moved, seconded by Janice Boeck, to approve the agenda as written. Motion carried unanimously.

**ELECTION OF VICE CHAIR**

**MOTION:** Mary Blake moved, seconded by Janice Boeck, to nominate and elect Jeannie M Bush as Vice Chair. Motion carried unanimously.

**MINUTES OF OCTOBER 4, 2004**

Barbering and Cosmetology Examining Board  
December 6, 2004 Minutes

**MOTION:** Mary Blake moved, seconded by Janice Boeck, to approve the minutes of October 4, 2004 as written. Motion carried unanimously.

### **ADMINISTRATIVE REPORT - JERRY LOWRIE, BUREAU DIRECTOR**

Mr. Lowrie introduced E. Rod Gottfredsen as the new professional member on the Board. Mr. Gottfredsen gave a brief background on his interest in serving on the Board and past experiences. Introductions went around the table with each member giving a brief background on their profession and experiences.

Deputy Secretary Sandra Rowe met with the Board to discuss Department budget issues. Issues discussed included:

- Cost of continuance budget was submitted to the State.
- Reduction in budget included decreasing 12.6 staff positions.
- The budget will be introduced in January or February 2005.
- The Department is implementing another fee study.
- Staff is continuing to input time spent on each individual professions in a time keeping system.

### **BOARD ROSTER**

Add Dennis Schuh as legal counsel on the oracle data base roster.

### **2005 MEETING DATES**

Noted.

### **CODE BOOK POLICY**

Mr. Lowrie reported on the Departments new codebook policy. The Department will no longer be printing hard copies of the statutes and administrative codebooks for the professions.

Customers will have three choices for getting the statutes and administrative codes:

1. Print statutes and administrative code from the Department's web site,
2. purchase a printed copy from Document Sales at a cost of \$15.00 for the smallest books, \$20.00 for the mid-sized books and \$25.00 for the larger books, or
3. purchase the entire code book on CD from Document Sales for approximately \$ 6.50.

These prices include shipping and handling.

### **TO-DO-LIST**

Noted.

## **SUMMARY OF REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

### **TRAVEL**

#### **50<sup>th</sup> Annual NIC Conference August 27-29, 2005 Washington, DC**

The Board would like to attend the National Barber Conference in 2005.

### **LEGISLATIVE/ADMINISTRATIVE RULES-UPDATE AND DISCUSSION**

#### **Scope Statement – Microdermabrasion and Chemical Peels - Update**

The Department must prepare an analysis and make needed changes to the draft of the rule prior to sending it to the clearinghouse. Jeannie Bush will meet with Dennis Schuh, legal counsel, on drafting rule changes for the Boards review in March. The Board will need to make at motion to move the draft of the rules on to the Clearinghouse at their March 7, 2005 meeting.

#### **BC 2.03 Practice Standards - Draft Language to Include Discrimination**

The Board reviewed and discussed BC 2.05 Practice Standards and drafting language to include discrimination.

**MOTION:** Janice Boeck moved, seconded by Mary Blake, to request that the Bureau Director draft a scope statement for the rule-making process to draft language to include discrimination under BC 2.03 Practice Standards. Motion carried unanimously.

#### **BC 4.03 Sterilization - Draft Language to Include Pressure**

**MOTION:** Jeannie Bush moved, seconded by Janice Boeck, to request that the Bureau Director draft a scope statement for the rule-making process to draft language to include pressure under BC 4.03 Sterilization. Motion carried unanimously.

#### **BC 8.01 Licensing Requirement - Draft Language to Implement the Open-Book Examination Requirement for Reciprocity Candidates**

Mr. Lowrie reported that the Department is not in favor of implementing the open-book examination requirement for reciprocity candidates. The Department has received fewer complaints against candidates licensed by reciprocity than received from in-state candidates.

**MOTION:** Janice Boeck moved, seconded by E. Rod Gottfredsen, to request that the Board does not go forward in implementing the open-book examination requirement for reciprocity candidates. Motion carried unanimously.

#### **BC 2.045 Services Outside of a Licensed Establishment - Draft Language**

Mr. Schuh addressed the Board regarding licensees performing services for charities, fund raisers, and performing services outside of a licensed establishment. The Board discussed the draft language at length.

**MOTION:** Jeannie Bush moved, seconded by Janice Boeck, to request that the Bureau Director draft a scope statement for the rule-making process to draft language under BC 2.04 Services Outside of a Licensed Establishment. E. Rod Gottfredsen voted no. Motion carried.

#### **Discussion of Bleach as a Disinfectant BC 1 (6)**

Jeannie Bush reported on the Board adopting the Infection Control Standards for the Practice of Electrology developed by the American Electrology Association. The AEA reviews the Standards every four years, consulting with the best in the field of infection control, such as the CDC, and the Association for Professionals in Infection Control and Epidemiology, and Allied Health Laboratory.

The Board discussed using bleach as a disinfectant and problems with disinfecting whirlpools at length.

**MOTION:** Mary Blake moved, seconded by Jeannie Bush, to request that the Bureau Director draft a scope statement for the rule-making process to draft language under BC 1 (6) Bleach as a Disinfectant. Motion carried unanimously.

#### **Board Member Composition Change - 15.405 (17)**

The Board discussed changing the composition of the Barbering and Cosmetology Board to include a manicurist and/or an aesthetician.

The Board noted that electrologists do not have a lot in common with barbering and cosmetologists or nail technologists.

The Board currently has members that are up to date in nail technology. Nail technology training is included in cosmetology school.

The Board discussed at length whether electrologists and/or aestheticians should be included under the Barbering and Cosmetology Board composition. Changing the composition of the Board will require a legislative statute change.

**MOTION:** Janice Boeck moved, seconded by Jeannie Bush, to request that the legislature change the language regarding board composition for the representative of the private schools of barbering or cosmetology to include the private school of a component part of barbering or cosmetology. Motion carried unanimously.

**Adopting AEA Standards for Sterilization**

The electrologists do not share the same issues as the Barbering and Cosmetologists. The Board discussed the possibility of drafting a separate chapter regarding infection control for electrologists only. Jeannie Bush will write justifications for having separate rules for electrologists. The Board will discuss rules on sterilization issues for electrologists at the March meeting.

**RECIPROCITY ISSUES**

None.

**EXAMINATION AND EDUCATION**

**Criteria for Schools to use in Evaluating Out-of-State Training – Darwin Tichenor**

Mr. Tichenor met with the Board and presented criteria for schools to use when evaluating out-of-state training. Schools are required to complete a three part evaluation in order to certify the equivalency of the out-of-state training and certify an applicant as eligible for the Wisconsin Licensing examination.

The three elements of the evaluation are:

1. Validation of documentation showing applicant training and graduation.
2. Comparison of training topics and hours with Wisconsin Administrative Code BC 5.
3. Provision of testing which provides substantial evidence of the applicant's incorporation of knowledge and skills from the previous barbering and cosmetology training.

All applicants for evaluation must have a certificate of graduation and official documents from the out of state barbering and cosmetology school showing hours of attendance and time spent in hours of study.

The procedures for schools to use when evaluating training will be posted on the Departments web-site.

**MOTION:** Jeannie Bush moved, seconded by Janice Boeck, to accept the criteria for schools to use in evaluating out-of-state-training as presented. Motion carried unanimously.

**PRACTICE ISSUES- LEGAL COUNSEL REVIEW  
INQUIRIES RECEIVED BY LEGAL COUNCIL – DENNIS C. SCHUH**

**California's Rule Regarding whirlpool use for Pedicures**

Mr. Schuh reported on California's rule regarding whirlpool use for Pedicures and what they recommend. The Board would revisit bleach being used as a disinfectant on a bi-weekly basis.

## **NATIONAL ASSOCIATION OF BARBER BOARDS OF AMERICA**

### **78<sup>th</sup> Annual Conference, Reno Nevada September 19-23-2004 Minutes**

The Board reviewed the minutes from the 78<sup>th</sup> Annual Conference in Reno, Nevada on September 19-23, 2004.

## **NATIONAL ACCREDITING COMMISSION OF COSMETOLOGY ARTS AND SCIENCES NACCAS**

### **NACCAS Now - September-October 2004**

Information only.

## **NEW BUSINESS**

The Board reviewed the pass rates of foreign language examinations and correspondence relating to low pass rates on foreign language barbering and cosmetology examinations. One possibility could be that candidates have difficulty with literacy in both English and their native language. The remedy is not to provide competency training, but to provide language training. Literacy may be a factor in training as well as exam results.

## **BOARD MEMBER ACTIVITY**

None.

## **PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT OR ANY THAT SUBMITTED AFTER PRINTING OF THE AGENDA.**

## **VISITORS COMMENTS**

The visitors in attendance made various comments on the Boards composition.

## **CLOSED SESSION**

**MOTION:** Janice Boeck moved, seconded by Mary Blake, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats.). Motion carried by roll call vote: Leon Lauer-yes, Jeannie Bush-yes, Janice Boeck-yes, Mary Blake-yes; Jeffrey Patterson-yes; E. Rod Gottfredsen-yes.

Open session recessed at 12:12 p.m.

The Board deliberated on monitoring reports, proposed stipulations, administrative warnings, case closings, examination issues, request for appeal of denials, application review, and reinstatement requests and case status reports.

### **RECONVENE INTO OPEN SESSION**

**MOTION:** Mary Blake moved, seconded by Jeffrey Patterson, to reconvene into open session at 12:28 p.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

#### **MONITORING REPORT**

None.

#### **CASE CLOSINGS**

**MOTION:** Jeannie Bush moved, seconded by Mary Blake, to close the following cases:  
**04 BAC 013** for acceptance of citation for an administrative forfeiture.  
**04 BAC 001** for insufficient evidence.  
**03 BAC 110** for prosecutorial discretion (P5).  
Motion carried unanimously.

#### **STIPULATIONS**

**MOTION:** Jeannie Bush moved, seconded by Mary Blake, to accept all the Stipulations as written in the matter concerning the Board. Motion carried unanimously.

#### **THUHUONG T. NGO 03 BAC 110**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Thuhuong T. Ngo 03 BAC 110** Motion carried unanimously.

#### **MY TRANG T. NGUYEN D/B/A US NAILS 03 BAC 113**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **My Trang T. Nguyen d/b/a US Nails 03 BAC 113**. Motion carried unanimously.

#### **TERRANCE BYRD D/B/A FASHION IMPRESSIONS 02 BAC 111**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Terrance Byrd d/b/a Fashion Impressions 02 BAC 111**. Motion carried unanimously.

**DARSHEL R. HARRIS 03 BAC 077 AND 04 BAC 046**

**MOTION:** To adopt the Findings of Fact, Conclusions of Law, Order, and Stipulation in the matter concerning **Darshel R. Harris 03 BAC 077 and 04 BAC 046**. Motion carried unanimously.

**PROPOSED DECISION**

None.

**AFFIDAVIT OF COSTS  
ANNA M. MAAS LS 311132 BAC**

**MOTION:** Jeannie Bush moved, seconded by Mary Blake, to adopt the Affidavit of Costs in the matter concerning **Anna M. Maas LS 311132 BAC**. Motion carried unanimously.

**EXAMINATION ISSUES  
APPLICATIONS  
REINSTATEMENT REQUESTS  
NEW BUSINESS  
OTHER ITEMS AS DEFINED BY LAW**

None.

**ADJOURNMENT**

**MOTION:** Janice Boeck moved, seconded by E. Rod Gottfredsen to adjourn the meeting at 12:29 p.m. Motion carried unanimously.

**NEXT MEETING: March 7, 2005**